

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 04-1890

WEIS BUY SERVICES, INC.,
BRIGOTTA'S PRODUCE & GARDEN CENTER

v.

RALPH PAGLIA, JR.,
in his individual capacity;
AUGUST J. SCOLIO, JR.,
in his individual capacity

August J. Scolio, Jr.,
in his official capacity

Appellant

Appeal from Opinion and Order entering Judgment for the Plaintiff in the
United States District Court for the Western District of Pennsylvania
(Civil No. 00-cv-0121)
District Judge: Honorable Maurice B. Cohill, Jr.

Argued May 3, 2005

BEFORE: McKEE, VAN ANTWERPEN, and WEIS, Circuit Judges

JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued on May 3, 2005, on consideration whereof, it is now hereby

ORDERED and ADJUDGED that the judgment of the District Court dated March

9, 2004, is REVERSED and REMANDED to the District Court for further proceedings consistent with this Court's opinion. Costs taxed to the Appellees

All of the above in accordance with the Opinion of this Court.

ATTEST:

Marcia M. Waldron

Clerk

DATED: June 14, 2005

Cost taxed in favor of Appellant:

Appellant's Brief...\$130.80
Appendix...\$108.00
Covers...\$40.00
Reply Brief....\$60.00
Appeal Fee...\$250.00

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Total Costs \$588.80

Certified as a true copy and issued in lieu
of a formal mandate on July 6, 2005.

Teste: *Marcia M. Waldron*
Clerk, United States Court of Appeals
for the Third Circuit